IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 4569 of 2005

1. Smt.Shamal Gajanan Chitale
and another ..Petitioners

vs.

1. Smt.Yamuna Vinayak Chitale
and others ...Respondents

Shri M.L.Patil for petitioners
Shri S.B.Shetye for respondent nos. 1 to 4.

CORAM: S.B.MHASE J.
25th April, 2006

P.C.

1. The order dated 29th March, 2005 passed by the Civil Judge, Sr.Dn., Ratnagiri below Exh.51 is under challenge. By this order the grievance is made that the order of statusquo which was operating as against the respondents during the pendency of the suit has been flouted by the respondents. The learned Counsel, on instructions, of the petitioners makes a statement that he may be allowed to withdraw this petition since the petitioners desire to make an application before the Civil Judge, Sr.Dn., to withdraw application Exh.51 with liberty to raise the objections as raised in the application Exh.51 in execution petition in case the decree is passed in favour of the petitioners and is obstructed by the third persons who were inducted into possession by the respondents. Leave to withdraw this petition is hereby granted with liberty to make an application to the civil court to

withdraw application Exh.51 with liberty to raise the points raised in the said application in the execution of the likely decree which may be passed in favour of the present petitioners, if occasion arises. Civil Court is hereby directed that if such an application is made by the petitioners the said application shall be decided on its own merits by the civil court after hearing the parties.

2. Learned Counsel submitted that the suit may be expedited. Shri Shetye, learned Counsel for the respondents has no objection for expeditious disposal of the suit. Therefore, it is directed that the Civil Judge, Sr.Dn., Ratnagiri shall hear and dispose of Special Civil Suit No.58 of 2002 as expeditiously as possible within a period of 9 months from today.

3. Order accordingly.

(S.B.MHASE J.)